IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev.No.1434 of 2006
Date of Decision :20.7.2007

M/s Sunbeam Polymer Products and another

….Petitioners

Vs.

The State of Haryana and another

…. Respondents

Present: Mr.Jagdish Manchanda, Advocate
for the petitioners.
Mr.Narinder Sura, AAG, Haryana.

…

S.S.Saron.J

This revision petition has been filed against the order dated 13.7.2006 passed by learned Additional Sessions Judge, Faridabad whereby the appeal of the petitioners against the order dated 25/26.10.2005 passed by Chief Judicial Magistrate, Faridabad has been dismissed. In terms of the order dated 25.10.2005 passed by learned Chief Judicial Magistrate, Faridabad, the petitioners were held to have committed an offence under Section 138 of Negotiable Instruments Act 1881 ('Act' for short).

Dharmender Sharma-petitioner No.2 was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.20,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months. During the

pendency of the revision petition, parties have entered into a compromise. Memorandum of Settlement (Annexure P-1) was placed on record on 25.11.2006 by means of Crl.Misc.No.74637 of 2006. On 17.4.2007, learned Deputy Advocate General, Haryana had taken time for seeking confirmation. The matter was adjourned to 23.4.2007. On which date learned counsel for the respondent No.2 had sought time to verify that fact whether the parties have arrived at a settlement.

Learned State counsel has submitted that the complainant-Sanjeev Arora (respondent No.2) has compromised the matter with the petitioner. An affidavit of Sanjeev Arora (respondent No.2) has been filed alongwith the cash receipt of Rs.4,50,000/- as the amount received from petitioner No.1. The statement of Sanjeev Arora (respondent No.2) attested by Inspector SHO Police Kotwali, Faridabad has also been recorded on 27.6.2006 which is also placed on record. SHO Police Kotwali, Faridabad vide memo bearing No.647-5A dated 27.6.2007 addressed to Advocate General Haryana, Chandigarh has submitted that Sanjeev Arora (respondent No.2) Proprietor M/s Impex Rubbers has received the full and final payment of Rs.4,50,000/- from Dharmender Kumar Sharma Proprietor M/s Sunbeam Polymer Products. They did not want to proceed further.

No one is present on behalf of respondent No.2.

After hearing learned counsel for the petitioners and learned counsel for respondent No.1, it is evident that the matter has indeed been compromised and settled between the complainant and

petitioner No.1. Section 147 of the Act enjoins that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable. The offence committed in the present case is one under Section 138 of the Act which has been compromised and stands compounded.

Keeping in view the fact, the matter has been compromised and the Criminal Revision petition is liable to be accepted.

Accordingly, Crl. Revision Petiton is allowed and the impugned order dated 13.7.2006 passed by learned Addl. Sessions Judge, Faridabad and order dated 25/26.10.2005 passed by learned Chief Judicial Magistrate, Faridabad are set aside and the petitioners are acquitted.

[S.S.Saron]
Judge

20.07.2007
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